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Date: December 19, 2005

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To:	Fax No.	Phone No.
Name Attn: Office of Petitions Mail Stop Petition Commissioner for Patents U.S. Patent and Trademark Office	7571-273-8300	

From:	Gavin J. Milczarek-Desai	520-770-2235	520-770-8716
Re:	APPLICANTS: FRANK I. MARCUS et al. SERIAL NO.: 10/629,881 FILED: 07/29/2003 TITLE: OPTIMIZATION METHOD FOR CARDIAC RESYNCHRONIZATION THERAPY	DOCKET NO.: 0550.001 (121873.00002) EXAMINER: George C. Manuel ART UNIT: 3762	

### Message:

Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing (37 CFR 1.137(f)); and Applicants' Supplement to Petition

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No. of Pages (Including Cover): <u>7</u>	Job Code: _____
Client - Matter No.: <u>121873.00002</u>	Time Keeper: <u>GMILCZAR</u>
Recipient: _____	Return To: <u>Alice Vanicek</u>
Requestor Name: <u>Alice Vanicek</u>	Phone No.: <u>520-770-8741</u>

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PTO/SB/64a (10-05)

Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL FILING (37 CFR 1.137(f))</b>		Docket Number (Optional) 121873.00002
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First named inventor: Frank I. Marcus and Ding Sheng He

Application No.: 10/629,881

Art Unit: 3762

Filed: 07/29/2003

Examiner: George C. Manuel

Title: Optimization Method for Cardiac Resynchronization Therapy

Attention: Office of Petitions  
 Mail Stop Petition  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
 FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
 Information at (571) 272-3282.

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely  
 notify the Office of the filing of an application in a foreign country or under a multinational international treaty that  
 requires publication of applications eighteen months after filing. The date of abandonment is the day after the  
 expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

**PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION  
 UNDER 37 CFR 1.137(b)**

**1. Petition fee**

Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.  
 Please charge the petition fee to our Deposit Account No. 17-0055.  
 Other than small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))**

Subsequent to the filing of the above-identified application, an application was filed in another country,  
 or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that  
 requires publication of applications eighteen months after the filing. The filing date of the subsequently  
 filed foreign or international application is July 28, 2004.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which it to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete. Including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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12/21/2005 EFLORES 00000050 17005 750.00 DA

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PTO/SB/84a (10-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**STATEMENT:** The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

12-19-05

Date

Signature

45,801

Registration Number, if applicable

Gavin J. Milczarek, Desai

Typed or printed name

520-770-8700

Telephone Number

Quarles &amp; Brady Stretch Lang, One South Church Avenue, Suite 1700

Address

Tucson, AZ 85701

Address

Enclosures:  Fee Payment Additional sheets containing statements establishing unintentional delay Other: Applicants' Supplement to Petition with authorization to charge fee to Deposit Account 17-0055.**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

 Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

12/19/05

Date

Alice B. Vanicek

Signature

Alice B. Vanicek

Typed or printed name of person signing certificate

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Frank I. Marcus et al.

DOCKET NO.: 121873.00002

SERIAL NO.: 10/629,881

EXAMINER: George C. manuel

FILED: July 29, 2003

ART UNIT: 3762

TITLE: Optimization Method for Cardiac Resynchronization Therapy

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Gavin J. Milczarek-Desai  
Quarles & Brady Streich Lang  
One South Church Avenue, Suite 1700  
Tucson, AZ 85701

## CERTIFICATE OF TRANSMISSION

I hereby certify that on this 19th day of December, 2005, this correspondence is being transmitted to the attention of Office of Petitions, via facsimile (571-272-3282) to the U.S. Patent and Trademark Office.

By: Alice B. Vanicek  
Alice B. Vanicek

APPLICANTS' SUPPLEMENT TO PETITION FOR REVIVAL OF AN APPLICATION FOR  
PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR  
INTERNATIONAL FILING (37 CFR 1.137(f))

Dear Sir:

Applicants, through their undersigned attorney, respectfully request that the above-titled petition be granted on the basis of the following:

Although no Notice of Abandonment has been received, a pre-patenting review of the file on December 19, 2005, for the subject application revealed that apparently a rescission of nonpublication request was inadvertently not filed as a result of a clerical error within 45 days after filing of PCT/US2004/024469. Accordingly, applicants hereby petition for revival of this

SERIAL NO.: 10/629,881

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application under 35 CFR 1.137(b) and state that the entire delay was unintentional. This petition is being filed on the same day that the aforementioned clerical error was discovered.

Please charge the fee of \$750.00 required under 37 CFR 1.17(m), and any additional fees required, to our Deposit Account No. 17-0055

Respectfully submitted,

Quarles & Brady Streich Lang LLP



Gavin J. Milczarek-Desai  
Reg. No. 45,801

520 770-8700 Telephone  
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